IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7416 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MOHANLAL NATHALAL PATEL

Versus

STATE OF GUJARAT

Appearance:

MR PM THAKKAR for Petitioner

MR MA BUKHARI AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/07/2000

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. The challenge has been made by the petitioner to the order dated 4.9.97 of the State Government under which it

ordered for confiscation of 1587 Kg. groundnut worth Rs.22,204/=. The inspection of the business premises of the petitioner was carried out by the Mamlatdar of Keshod and Civil Supplies Inspector on 23.2.96. It is found that 12670 Kg. of groundnut is in excess stock. A show cause notice was given to the petitioner on 23.5.96 and after considering the reply filed by the petitioner, the respondent No.1 decided the same on 4.9.97 and it is ordered for confiscation of 12.5% of groundnut. The respondent No.2 vide order dated 24.7.96 ordered for the confiscation of 50% of the groundnut i.e. 6344 Kg. In the appeal that order has been modified giving partial relief. Hence this Special Civil application. All the three authorities have concurrently held against the petitioner. It is a case where the petitioner has failed to furnish any just and reasonable explanation for unaccounted stock of the groundnut. the revisional authority has taken a very lenient view.

#. The defence which has been taken by the petitioner has rightly been not accepted. In fact, the authorities have taken very reasonable and lenient view and no further interference is called for. It is a case where the petitioner has acted contrary to the provisions of the relevant orders framed under Essential Commodities Act, 1955. I do not find any perversity in the orders passed by the revisional authority which calls for any interference of this court in the matter.

As a result of the aforesaid discussion, the Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

(S.K.Keshote, J.)

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